THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27971 OF 2005

DATED:30.12.2005

Between:

Geddada Nagamani

…Petitioner

And

The Revenue Divisional Officer, Narasapuram,

West Godavari District and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27971 OF 2005

ORDER:

The petitioner claims to be owner of land admeasuring 1165 Sq.yards in R.S.No.692/1-A of Veeravasaram Village, hamlet of Nandamuru Garavu Minor Panchayat. Third respondent has property on the northern side of the petitioner's property. Apprehending that third respondent might dispossess the petitioner by encroaching into the land, the petitioner filed a suit being O.S.No.619 of 2005 on the file of the Court of I Additional Junior Civil Judge, Bhimavaram, and obtained ad interim injunction in I.A.No.509 of 2005, dt.21.10.2005 which is valid upto 29.12.2005. In the meanwhile, third respondent made a complaint to first respondent alleging that the petitioner herein closed the pathway in R.S.No.692/1-B whereupon the first respondent issued a notice dt.16.12.2005 calling upon petitioner and third

respondent to appear before him with necessary documents to conduct enquiry into the matter. Aggrieved by this, present Writ Petition is filed seeking invalidation of the notice of enquiry dt.16.12.2005.

After hearing the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General), this Court is not able to agree with the submission of the counsel for the petitioner that the notice issued by first respondent is illegal on the ground that the suit filed by the petitioner is pending. The allegation made by third respondent is to the effect that the petitioner encroached upon the pathway and being revenue authority it is incumbent on the part of the first respondent to conduct enquiry into the matter. Further, the petitioner already approached the Civil Court and if there is any interference in possession of the property owned by the petitioner excluding the pathway, it is always open to the petitioner to file another application before the Civil Court. The invocation of public law remedy in the background of the case is improper.

The Writ Petition for the above reasons is accordingly dismissed.

_____

(V.V.S.RAO, J)

30.12.2005

bnr